

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Request from the Jefferson County Board of Education for a waiver of 704 KAR 3:410, Section 7, Preschool education program for four (4) year old children

Applicable Statute or Regulation:

KRS 157.3175, 704 KAR 3:410, Section 7

Action Question:

Should the Kentucky Board of Education (KBE) grant the request by the Jefferson County Board of Education for a waiver of 704 KAR 3:410, Section 7?

History/Background:

Existing Policy. KRS 156.160 (2) provides that upon the request of a local board of education or school council through the local superintendent, the KBE may waive one of its regulations when circumstances are demonstrated that may include the following:

- An alternative approach will achieve the same result required by the regulation;
- Implementation of the regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
- There is a finding of good cause for the waiver.

In 1990, KRS 157.3175 established Kentucky's preschool education program and required the promulgation of administrative regulations to establish eligibility criteria, program guidelines, and standards for personnel. At that time, no early childhood teaching certificate existed in the state of Kentucky and regulations allowed hiring three levels of preschool teachers until a certification program could be developed and begin to graduate appropriately certified classroom teachers.

Districts could hire:

- Level I – Personnel with a baccalaureate or higher degree in child development, early childhood education or early childhood special education, kindergarten, special education certification valid for primary grades and a master's degree, bachelor's degree or licensure in communication disorders, speech and language or speech pathology.
- Level II – Personnel with a minimum of one year of early childhood training or experience and a degree in family studies, social work, psychology, nursing or other related area including education not specified under Level I.
- Level III – Personnel supervised by Level I preschool instructional personnel or by local school district staff who directed special education or kindergarten

programs. Personnel included individuals with the following: an associate (AA) degree in early childhood; a child development associate credential (CDA), completion of a vocational child care worker training program; or a high school diploma or GED and minimum of one (1) year early childhood training or experience.

In 1993, 704 KAR 20:620 established the Interdisciplinary Early Childhood Education (IECE) certification. The Kentucky Department of Education worked closely with all eight state-supported universities to implement the IECE program. The intent has always been to have certified teachers as lead teachers in preschool classrooms.

In 1998, the Kentucky Board of Education (KBE) considered adopting the current regulation, but the data demonstrated that there were not enough graduates from IECE programs to support the required hiring of IECE certified lead teachers. Members of the Local Superintendents Advisory Council (LSAC) expressed concern about the availability of teachers holding the IECE certificate.

In 1999, the KBE promulgated the current regulation, which included a gradual phase-in of newly hired teachers and the certification requirements. The specifics of this regulatory change were:

- In 2002-2003, all teachers were required to have the correct in-field credentials. This phase eliminated the out-of-field or Level II teachers, unless the Level II teachers hold a letter of exemption, granted by the Educational Professional Standards Board (EPSB) between 1998-2002.
- In 2004-2005, all teachers hired into vacated positions were required to hold the IECE certification.

Implementation of the current regulation requires that all school districts move toward having IECE certified lead teachers in each classroom, but allows current staff to remain in positions (grandfathering). As lead teachers with a Child Development Associate (CDA) or Associate of Arts (AA) leave the program, newly hired lead teachers must hold the IECE certification. This allows districts to make a gradual transition.

Policy Issue(s) and Options:

The Jefferson County Board of Education (JCBE) has submitted a request for a waiver from the requirements of 704 KAR 3:410, Section 7 (See Attachments A, B and C – correspondence from JCBE and KDE). Specifically, JCBE is proposing that they be allowed to continue to operate the JCPS Preschool Program using the staffing pattern authorized by the regulations prior to 1999. Granting the waiver request would allow newly hired lead teachers in preschool classrooms to hold the following qualifications:

- An Associate Degree in Early Childhood, or
- A Bachelors Degree in a related early childhood field, or
- A CDA (120 clock hour credential) or a GED with experience, or

- An IECE certification

JCPS states that all classrooms operating with a classified lead teacher approved under this waiver with less than the IECE certification would be supervised by a resource teacher (certified) with no more than 10 classrooms to supervise. Granting of this waiver would also allow JCPS to pay all early childhood classroom teachers on a classified scale regardless of the fact that they may hold the IECE certification.

Staff Recommendation(s) and Rationale(s):

The Kentucky Preschool Program is a targeted program to serve 4-year-old children at-risk of educational failure (free lunch) and three- and four-year-old children with a disability or developmental delay, regardless of income. These children are especially vulnerable and are developmentally behind their age peers. Over 60% of children currently enrolled in the Kentucky Preschool Program have a disability or developmental delay.

The large body of evidence-based research that exists demonstrates that young children have better outcomes when they are in the classroom with a teacher holding a bachelor's degree that is specifically linked to early childhood. (See Attachment D titled "Better Teachers, Better Preschools: Student Achievement Linked to Teacher Qualifications".) In the effort to close the achievement gap in the public schools, providing young children with certified early childhood teachers would help to narrow the gap. If the waiver is granted, JCPS will be able to hire new teachers with a high school diploma or 120 clock hours of professional development (Child Development Associate) to teach preschool classes of 20 at-risk preschool children including many children with disabilities and developmental delays.

School districts have been aware of the regulation and its implications since 1999. Other school districts have planned for the transition over the last six years and some are operating with all preschool classroom lead teachers holding the IECE certification. Currently, over 300 IECE certified teachers are employed by the districts. All other school districts are complying with the regulation, including its grandfathering provisions and the standards for new preschool teachers. For these reasons, KDE staff cannot recommend that KBE grant this waiver request.

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